THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

-

WRIT PETITION NO :9556 of 2005

-

Dated: 06.09.2005

Between:

B. Kistaiah, S/o B. Mallaiah. .. **Petitioner**

And

The General Manager, Ordinance

Factory Project, Ministry of Defence,

Yeddumailaram Post,

Medak District. **.. Respondent**

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :9556 of 2005

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 12.4.2005 in O.A.No.284 of 2005 on the file of the Central Administrative Tribunal, Hyderabad, and to direct the respondents to consider the

case of the petitioner for appointment to the post of Mill-wright in the existing vacancy in the respondent-factory.

The case of the writ petitioner is that being a certificate holder in I.T.I. course in Mill-wright trade, the employment exchange sponsored him to the post of Mill-wright in the respondent organization and the petitioner also appeared for the interview on 26.3.1992 as well as the test conducted by the respondent-organization. Subsequently, he was directed to produce OBC certificate and accordingly, he submitted the same in the prescribed form. As the respondent-organization did not communicate any information, he filed the above O.A. The Tribunal having observed that the matter is clearly barred by limitation, dismissed the O.A. Hence, the present writ petition.

Heard the learned Counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent.

As can be seen from the record, the petitioner was called for the interview in the year 1992 and he was directed to present the OBC certificate in the year 2000 i.e., nearly after a period of eight years. In the letter issued by the respondent-organization dated 27.7.2000, it was stated that the letter is being issued without any commitment at that stage. Taking advantage of such wordings in the letter, the petitioner having slept over the matter for a long period i.e., nearly a period of five years from the date of receipt of the letter relied upon by the petitioner, filed the above O.A. in the year 2005. Even assuming for a moment that the petitioner has been interviewed and his name has been empanelled, it is a settled proposition that the said panel stands valid for a period of only one year. But, in the instant case, that is not the case of the petitioner. In this view of the matter, We feel that there are no bonafides on the part of the petitioner in approaching the Tribunal after a lapse of 5 years. Therefore, the contention of the learned Counsel for the petitioner that the claim made by him, does not bar by limitation, has no force, in the above circumstances. Hence, this writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

Justice T. Meena Kumari

Justice P. Lakshmana Reddy

Dated: 06.09.2005

Nn.